

JOURNAL OF THE SENATE

NINETY-FIRST SESSION

SECOND DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Wednesday, January 13, 2016

The Senate convened at 12:30 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Susan Carr, followed by the Pledge of Allegiance led by Senate page Jessica Zempel.

Roll Call: All members present.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the first day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Gary Cammack, Chair

Which motion prevailed.

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1 August 25, 2015

2 The Honorable Matt Michels
3 President of the Senate
4 State Capitol
5 Pierre, SD 57501

6 Dear President and Members of the Senate:

7 Pursuant to the provisions of Chapter 1-16H of the South Dakota Codified Laws and
8 subject to your consent, I have the honor to inform you that I have reappointed Casey Peterson,
9 Pennington County, Rapid City, South Dakota, to the South Dakota Science and Technology
10 Authority.

11 This appointment is effective immediately, and shall continue until August 8, 2021.

12 Sincerely,
13 Dennis Daugaard
14 Governor

15 The President announced the referral of the appointment to the Committee on Education.

16 April 24, 2015

17 The Honorable Matt Michels
18 President of the Senate
19 State Capitol
20 Pierre, SD 57501

21 Dear President and Members of the Senate:

22 Pursuant to the provisions of Chapter 13-49 of the South Dakota Codified Laws and
23 subject to your consent, I have the honor to inform you that I have reappointed Randy
24 Schaefer, Lake County, Madison, South Dakota, to the State Board of Regents.

25 This appointment is effective immediately, and shall continue until March 31, 2021.

26 Sincerely,
27 Dennis Daugaard
28 Governor

29 The President announced the referral of the appointment to the Committee on Education.

1 May 29, 2015

2 The Honorable Matt Michels
3 President of the Senate
4 State Capitol
5 Pierre, SD 57501

6 Dear President and Members of the Senate:

7 Pursuant to the provisions of Chapter 1-16G of the South Dakota Codified Laws and
8 subject to your consent, I have the honor to inform you that I have appointed Norbert Sebade,
9 Pennington County, Rapid City, South Dakota, to the Board of Economic Development.

10 This appointment is effective immediately, and shall continue until April 19, 2019.

11 Sincerely,
12 Dennis Daugaard
13 Governor

14 The President announced the referral of the appointment to the Committee on Commerce
15 and Energy.

16 May 29, 2015

17 The Honorable Matt Michels
18 President of the Senate
19 State Capitol
20 Pierre, SD 57501

21 Dear President and Members of the Senate:

22 Pursuant to the provisions of Chapter 1-16G of the South Dakota Codified Laws and
23 subject to your consent, I have the honor to inform you that I have reappointed Theodore H.
24 Hustead, Pennington County, Wall, South Dakota, to the Board of Economic Development.

25 This appointment is effective immediately, and shall continue until April 19, 2019.

26 Sincerely,
27 Dennis Daugaard
28 Governor

29 The President announced the referral of the appointment to the Committee on
30 Commerce and Energy.

1 May 29, 2015

2 The Honorable Matt Michels
3 President of the Senate
4 State Capitol
5 Pierre, SD 57501

6 Dear President and Members of the Senate:

7 Pursuant to the provisions of Chapter 1-16G of the South Dakota Codified Laws and
8 subject to your consent, I have the honor to inform you that I have reappointed Donald L.
9 Kettering, Yankton County, Yankton, South Dakota, to the Board of Economic Development.

10 This appointment is effective immediately, and shall continue until April 19, 2019.

11 Sincerely,
12 Dennis Daugaard
13 Governor

14 The President announced the referral of the appointment to the Committee on Commerce
15 and Energy.

16 May 29, 2015

17 The Honorable Matt Michels
18 President of the Senate
19 State Capitol
20 Pierre, SD 57501

21 Dear President and Members of the Senate:

22 Pursuant to the provisions of Chapter 1-16G of the South Dakota Codified Laws and
23 subject to your consent, I have the honor to inform you that I have reappointed Pat L. Prostrullo,
24 Lake County, Madison, South Dakota, to the Board of Economic Development.

25 This appointment is effective immediately, and shall continue until April 19, 2019.

26 Sincerely,
27 Dennis Daugaard
28 Governor

29 The President announced the referral of the appointment to the Committee on Commerce
30 and Energy.

1 October 30, 2015

6 Dear President and Members of the Senate:

10 This appointment is effective immediately, and shall continue until October 30, 2018.

14 The President announced the referral of the appointment to the Committee on
15 Transportation.

21 Dear President and Members of the Senate:

25 This appointment is effective immediately, and shall continue until October 30, 2018.

29 The President announced the referral of the appointment to the Committee on
30 Transportation.

1 December 11, 2015

2 The Honorable Matt Michels
3 President of the Senate
4 State Capitol
5 Pierre, SD 57501

6 Dear President and Members of the Senate:

7 Pursuant to the provisions of Chapter 40-18 of the South Dakota Codified Laws and
8 subject to your consent, I have the honor to inform you that I have reappointed Lyla Hutchison,
9 Oglala Lakota County, Wounded Knee, South Dakota, to the State Brand Board.

10 This appointment is effective January 5, 2016, and shall continue until January 5, 2019.

11 Sincerely,
12 Dennis Daugaard
13 Governor

14 The President announced the referral of the appointment to the Committee on Agriculture
15 and Natural Resources.

16 **REPORTS OF JOINT-SELECT COMMITTEES**

17 MR. PRESIDENT:

18 Your Joint-Select Committee appointed to make arrangements for a Memorial Service for
19 deceased former members of the South Dakota House of Representatives and Senate
20 respectfully reports that they recommend that the House of Representatives and Senate recess
21 and convene in the House Chamber at 3:00 p.m. on January 21, 2016, and that a Joint Memorial
22 Resolution be introduced in their memory by their colleagues in the House of Representatives
23 and Senate.

24 A short program will follow the introduction of the Memorial Resolution. At the
25 conclusion of the Memorial Service, the Joint Session will be dissolved.

26 The Memorial Resolution shall be printed in the House and Senate Journals.

27 Respectfully submitted,
28 Scott Craig
29 Roger Hunt
30 Julie Bartling
31 Dennis Feickert
32 House Committee

Respectfully submitted,
Mike Vehle
Phyllis Heineman
Jim Bradford
Senate Committee

1 Also MR. PRESIDENT:

2 Your Joint-Select Committee appointed for the purpose of conferring with the Director of
3 the Legislative Research Council in regard to making arrangements for the distribution of the
4 official directory, House and Senate journals and bills, and other legislative printing for the two
5 houses and the state offices with the full power to act respectfully reports that:

6 The Legislature orders 100 copies of the Senate and House bills and resolutions (each); and
7 100 copies of the Senate and House daily journals (each) for the Ninety-first Legislative
8 Session.

9 The free distribution of sets of bills, resolutions, and daily journals shall be as follows:

10 Eight copies for the Governor's Office, thirteen copies for the Supreme Court, eleven
11 copies for the Legislative Research Council, four copies for the State Library Depository, three
12 copies for the Attorney General, two copies for the Bureau of Finance and Management, four
13 copies for the Secretary of State, two copies for the Department of Legislative Audit, one copy
14 for the Code Commission, one copy for the State Treasurer, one copy for the State Auditor, one
15 copy for the Commissioner of School and Public Lands, one copy for the Public Utilities
16 Commission, and press copies as needed. Accomplishment of this distribution may be satisfied,
17 in whole or in part, by obtaining electronic copies of these documents from the legislative
18 internet site.

19 State's Attorneys and County Auditors shall receive free copies of bills and journals if they
20 pay mailing charges at a rate of \$50 per set (bills or journals) for first-class mailing.

21 Distribution of bills and journals to state officials, boards, commissions, and institutions
22 will be made upon request in writing to the Legislative Research Council at a charge of
23 \$315 per set of bills and \$85 per set of journals plus mailing charges, if applicable.

24 One copy of the official directory (red book) shall be distributed to each Senator and
25 Representative, four copies to the State Library, three copies to the Secretary of State and a
26 copy shall also be made available to state departments and the press upon request to the
27 Director of the Legislative Research Council. The public may obtain a copy for a fee of
28 \$8 payable to the Legislative Research Council.

29 One free copy of the South Dakota Legislative Index shall be distributed to the Governor,
30 the Lieutenant Governor, the Attorney General and the Supreme Court; four free copies to the
31 State Library Depository; and one free copy to Senators and Representatives. Upon written
32 request to the Legislative Documents Room before January 28, 2016, all other state and private
33 entities may purchase the South Dakota Legislative Index at a cost of \$55 per copy.

34 The Documents Clerk shall upon written request furnish any individual, firm, corporation,
35 association, or other organization with a set of House and Senate bills for \$315 per set and a set
36 of journals for \$85 per set for the Ninety-first Legislative Session, plus mailing charges, if
37 applicable.

Legislators may have two copies of all bills and resolutions and two copies of the daily journals distributed or mailed to constituents within the legislator's own district if constituents or legislators pay mailing charges of \$50 per set for first-class mailing.

Registered lobbyists shall be entitled to one copy of the official directory upon payment of the \$40 registration fee to the Secretary of State; and upon payment of an additional \$315 per set of bills and \$85 per set of journals plus mailing charges, if applicable, to the Legislative Research Council, shall be entitled to one copy of all bills and resolutions or journals pursuant to SDCL 2-12-3.

Bill status reports will be printed and sold to state agencies at cost and to registered lobbyists for \$220 payable to the Legislative Research Council which receipted funds shall be used to pay the printing costs. If bill status is mailed, the additional cost is \$125 for first-class postage.

A free daily copy of the bill status report shall be distributed as follows:

Governor; Speaker of the House; Speaker Pro tempore of the House; House Majority Leader; House Minority Leader; House Lobby; Chief Clerk of the House; Lieutenant Governor; President Pro tempore of the Senate; Senate Majority Leader; Senate Minority Leader; Senate Lobby; Secretary of the Senate; Page Advisor; Attorney General; Bureau of Finance and Management; Secretary of State; Treasurer's Office; Auditor's Office; Office of School and Public Lands; and Legislative Research Council. Accomplishment of this distribution may be satisfied, in whole or in part, by obtaining electronic copies of these documents from the legislative internet site.

The Documents Clerk shall at the end of the session file a report with the Director of the Legislative Research Council of all money paid for the purchase of bills and journals and show proof of having deposited such money with the State Treasurer. Such funds shall be used to offset the costs of postage and printing of bills and journals.

Respectfully submitted,
Don Haggar
Jim Bolin
Paula Hawks
House Committee

Respectfully submitted,
Jim White
Ried Holien
Troy Heinert
Senate Committee

Also MR. PRESIDENT:

Your Joint-Select Committee appointed for the purpose of fixing the compensation of the elective and appointive officers and employees of the House and Senate for the Ninety-first Legislative Session, pursuant to SDCL 2-5-8, respectfully reports that a salary schedule for the elective and appointive officers and employees has been developed and filed with the Director of the Legislative Research Council and the State Auditor.

In regard to the system for payment of travel expenses to legislators we respectfully report that:

1 (1) A form listing each weekend during session will be delivered to legislators. Legislators
2 will be asked to list their travel on that single sheet which would be signed and turned in
3 at the close of session. Also, pursuant to statute, a voucher must also be signed by each
4 legislator requesting travel reimbursement.

5 (2) Legislators driving their own car home for a weekend will receive mileage paid at state
6 rates (42 cents per mile). Legislators not driving home will not be entitled to
7 reimbursement unless they leased a vehicle or somehow incurred an expense, equivalent
8 to 42 cents per mile, in such travel.

9 (3) Legislators flying commercially will receive the equivalent of flight expenses as long
10 as it does not exceed 42 cents per mile.

11 (4) Legislators flying charter or in their own plane will be reimbursed for actual expenses
12 as long as it does not exceed 42 cents per mile.

13 (5) A maximum of ten trips will be considered for the 2016 Legislative Session, including
14 the trip for the final legislative day.

15 (6) Pursuant to constitutional provisions, legislators will be paid for their initial trip to
16 Pierre and their final trip home at the rate of 5 cents per mile.

17 Respectfully submitted,
18 Dean Wink
19 Brian Gosch
20 Spencer Hawley
21 House Committee

Respectfully submitted,
Gary Cammack
Corey Brown
Billie Sutton
Senate Committee

22 Also MR. PRESIDENT:

23 Your Joint-Select Committee appointed to make arrangements for legislative days
24 respectfully reports that we recommend the days of the Ninety-first Legislative Session be
25 January 12 through January 15, January 19 through January 22, January 25 through January 28,
26 February 2 through February 5, February 8 through February 11, February 16 through
27 February 19, February 22 through February 25, February 29 through March 3, March 7 through
28 March 11, and March 29.

29 Respectfully submitted,
30 Mike Stevens
31 Kris Langer
32 Peggy Gibson
33 House Committee

Respectfully submitted,
Gary Cammack
Corey Brown
Billie Sutton
Senate Committee

1 Also MR. PRESIDENT:

2 Your Joint-Select Committee appointed relative to securing chaplains for the Ninety-first
3 Legislative Session respectfully reports:

4 We have conferred with the Pierre/Ft. Pierre Ministerial Association and have arranged
5 for ministers to participate on a part-time basis under the direction of Pastor Sarah Goldammer,
6 Lutheran Memorial Church, as chief chaplain, to serve the Senate and House as chaplains
7 throughout the Ninety-first session of the Legislature. The chaplains are as follows:

8 John Armstrong, Dan Bader, Josh Baumann, Paul Bly, Susan Carr, Larry Cass, John Fette,
9 Ron Garry, Sarah Goldammer, Mercy Hobbs, Joe Holzhauser, David Hussey, Wes Labrier,
10 Auggie Minzlaff, Sunshine Minzlaff, J. P. Mosley, Jr., Peggy Stempson, and David Zellmer.

11 Respectfully submitted,
12 Scott Craig
13 Roger Hunt
14 Karen Soli
15 House Committee

Respectfully submitted,
Bill Van Gerpen
Gary Cammack
Scott Parsley
Senate Committee

16 **MESSAGES FROM THE HOUSE**

17 Unless there is an objection, we will waive the reading of the messages from the House.

18 Hearing no objections, the reading was waived.

19 MR. PRESIDENT:

20 I have the honor to inform your honorable body that the House has adopted the report of
21 the Joint-Select Committee relative to arranging for a Joint Session of the two houses to receive
22 the message of the Governor.

23 Also MR. PRESIDENT:

24 I have the honor to inform your honorable body that the House has adopted the report of
25 the Joint-Select Committee relative to notifying the Governor that the Legislature is duly
26 organized and ready to meet in Joint Session to receive any communications he may desire to
27 make.

28 Also MR. PRESIDENT:

29 I have the honor to inform your honorable body that the House has adopted the report of
30 the Joint-Select Committee relative to arranging for a Joint Session to receive the State of the
31 Judiciary message from the Chief Justice of the Supreme Court.

1 Also MR. PRESIDENT:

2 I have the honor to inform your honorable body that the House has adopted the report of
3 the Joint-Select Committee relative to arranging for a joint session to receive the State of the
4 Tribes message from a Tribal Chairman.

5 Also MR. PRESIDENT:

6 I have the honor to inform your honorable body that the House has appointed
7 Reps. Mickelson, Westra, and Bartling, as a committee of three on the part of the House to meet
8 with a like committee on the part of the Senate to arrange for a Joint Session of the two houses
9 to receive the message of the Governor.

10 Also MR. PRESIDENT:

11 I have the honor to inform your honorable body that the House has appointed
12 Reps. Mickelson, Westra, and Bartling as a committee of three on the part of the House to meet
13 with a like committee on the part of the Senate to notify the Governor that the Legislature is
14 duly organized and ready to meet in Joint Session to receive any communications he may desire
15 to make.

16 Also MR. PRESIDENT:

17 I have the honor to inform your honorable body that the House has appointed
18 Reps. Gosch, Westra, and Hawley as a committee of three on the part of the House to meet with
19 a like committee on the part of the Senate to arrange for a Joint Session of the Senate and House
20 of Representatives to receive a message from the Chief Justice of the Supreme Court.

21 Also MR. PRESIDENT:

22 I have the honor to inform your honorable body that the House has appointed
23 Reps. Gosch, Westra, and Hawley as a committee of three on the part of the House to meet with
24 a like committee on the part of the Senate to arrange for a Joint Session to hear the message
25 from a Tribal Chairman on the State of the Tribes.

26 Also MR. PRESIDENT:

27 I have the honor to inform your honorable body that the House has appointed Reps. Wink,
28 Gosch, and Hawley as a committee of three on the part of the House to meet with a like
29 committee on the part of the Senate relative to the Joint Rules for the Ninety-first Legislative
30 Session.

1 Also MR. PRESIDENT:

2 I have the honor to inform your honorable body that the House has appointed Reps. Wink,
3 Gosch, and Hawley as a committee of three on the part of the House to meet with a like
4 committee on the part of the Senate for the purpose of setting the compensation schedule of the
5 elective and appointive officers and employees of the House and Senate for the Ninety-first
6 Legislative Session, pursuant to SDCL 2-5-8, with the full power to act and that such
7 compensation schedule be filed with the Director of the Legislative Research Council and the
8 State Auditor.

9 Also MR. PRESIDENT:

10 I have the honor to inform your honorable body that the House has appointed
11 Reps. Stevens, Langer, and Gibson as a committee of three on the part of the House to meet
12 with a like committee on the part of the Senate to arrange for legislative days for the members,
13 officers, and employees of the Senate and House.

14 Also MR. PRESIDENT:

15 I have the honor to inform your honorable body that the House has appointed
16 Reps. Haggar, Bolin, and Hawks as a committee of three on the part of the House to meet with
17 a like committee on the part of the Senate for the purpose of conferring with the Director of the
18 Legislative Research Council in regard to making arrangements for the distribution of the
19 official directory, House and Senate journals, and bills and other legislative printing for the two
20 houses and the state offices, with the full power to act.

21 Also MR. PRESIDENT:

22 I have the honor to inform your honorable body that the House has appointed Reps. Craig,
23 Hunt, and Soli as a committee of three on the part of the House to meet with a like committee
24 on the part of the Senate relative to securing chaplains for the Ninety-first Legislative Session.

25 Also MR. PRESIDENT:

26 I have the honor to inform your honorable body that the House has appointed Reps. Craig,
27 Hunt, Bartling and Feickert as a committee of four on the part of the House to meet with a
28 committee of three on the part of the Senate for the purpose of arranging for a memorial
29 recognition of deceased former members of the House and Senate.

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Respectfully,
Arlene Kvislen, Chief Clerk

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MOTIONS AND RESOLUTIONS

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Sen. Brown moved that when we adjourn today, we adjourn to convene at 12:30 p.m. on Thursday, January 14, the 3rd legislative day.

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Which motion prevailed.

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Sen. Peters moved that the Senate do now adjourn, which motion prevailed and at 12:48 p.m. the Senate adjourned.

7

Kay Johnson, Secretary

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JOINT SESSION

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Pursuant to the report of the Joint-Select Committee, as found on page 12 of the Senate Journal, the Senate convened with the House of Representatives in the House Chamber for the purpose of receiving a message from the Chief Justice of the Supreme Court, David Gilbertson. The President of the Senate, Matt Michels, presided.

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The following prayer was delivered by Chaplain, Bishop David B. Zellmer, South Dakota Synod of the ELCA, Sioux Falls, South Dakota:

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Amos 5:21 ... I take no delight in your solemn assemblies.

23 Take away from me the noise of your songs;

I will not listen to the melody of your harps.

24 But let justice roll down like waters,

And righteousness like an ever-flowing stream.

20

O God of Grace and Glory

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We give thanks for the gifts of living in this beautiful state, for the men and women who keep us safe, for our teachers and those who are raising up the next generation. On this day we give thanks for the men and women of our Judiciary, for through them the law is applied with fairness and justice to our citizens. We ask that You would continue to gift them with wisdom and courage that all in our state might live equitably.

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We ask that You might bless our Governor, Chief Justice, the Judiciary, our Legislators, and all those who have been set aside to serve the people of South Dakota, that through their work our citizens, from the youngest to the oldest, from those who feel as if they have no voice, to those who sit in halls of power, might benefit. Bless this state and all who live here.

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In Your Holy Name we Pray. Amen.

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The Secretary of the Senate, Kay Johnson, called the roll of the Senate and the following members were present:

Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield, Brock; Haggar, Jenna; Haverly; Heineman, Phyllis; Heinert; Holien; Hunhoff, Bernie; Jensen, Phil; Monroe; Novstrup, David; Olson; Omdahl; Otten, Ernie; Parsley; Peters; Peterson, Jim; Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White.

The Chief Clerk of the House of Representatives, Arlene Kvislen, called the roll of the House and the following members were present:

Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin; Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield, Lana; Haggar, Don; Harrison; Haugaard; Hawks; Hawley; Heinemann; Holmes; Hunhoff, Jean; Hunt; Jensen, Alex; Johns; Killer; Kirschman; Klumb; Langer; Latterell; Marty; McCleerey; Mickelson; Novstrup, Al; Otten, Herman; Partridge; Peterson, Kent; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steinhauer; Stevens; Tulson; Verchio; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink.

Sen. Brown moved that a committee of three on the part of the Senate and a committee of five on the part of the House be appointed to escort the Honorable David Gilbertson, Chief Justice of the state of South Dakota, to the rostrum.

Which motion prevailed and the President appointed as such committee Sens. Cammack, Brown, and Sutton on the part of the Senate and Reps. Gosch, Westra, Mickelson, Hawley, and Bartling on the part of the House.

The Sergeant at Arms announced the arrival of Chief Justice David Gilbertson, who was escorted to the rostrum.

The Lieutenant Governor, Matt Michels, introduced the Honorable David Gilbertson, who delivered the State of the Judiciary Address.

Sen. Brown moved that the Joint Session do now dissolve.

Which motion prevailed.